

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Terry Keith Bryant
Serial No. : 10/767,396
Filed : 03/26/2004
For : METHOD OF IMPROVING MEDICAL APPARATUS IN
ORDER TO REDUCE OR REPLACE ANCILLARY
MEDICAL ASSISTANCE BY EMPLOYING AUDIBLE
VERBAL HUMAN SOUNDING VOICES WHICH
PROVIDE THERAPEUTIC INSTRUCTIONS AND
ENCOURAGE USAGE AND GIVE MEASUREMENTS
AS NEEDED EMANATING FROM THE APPARATUS'S
BY USING ELECTRONIC TECHNOLOGY
Examiner : Michael C. Astorino
Art Unit : 3736
Our File No. : 1023.8009

CERTIFICATION OF E-MAILING

I hereby certify that this correspondence, and any attachments thereto, is being filed via electronic mail with the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

BETTY BERNAL
Name of Person Mailing Paper

/betty bernal/
Signature

June 11, 2008
Date

APPLICANT'S SUBSTANCE OF THE INTERVIEW

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant pursuant to the Interview Summary dated May 14, 2008, hereby provides his substance of the interview pursuant to MPEP Section 713.04. With respect to the telephone interview between Applicant's undersigned counsel and Examiner Astorino on May 9, 2008, Applicant notes the following:

- (a) No exhibits were presented, nor were any demonstrations conducted.

(b) The independent claims 1, 17 and 22 were discussed.

(c) U.S. Patent No. 6,251,048 issued to Kaufman was discussed.

(d) Suggested language to be added to the independent claims was discussed to overcome the Kaufman patent. The filing of a supplemental amendment including such additional language was also discussed and, in fact, has been filed and is of record in this application.

(e) The claims were amended to expressly limit the non-medical exercise device of Kaufman from the list of medical apparatuses in the independent claims. Additionally, the claims were amended to specifically state, amongst other things, that Applicant's device initiated prompting of the medical apparatus. Kaufman does not perform any prompting to use the exercise device.

(f) No other pending matters were discussed.

(g) Though no agreement was officially reached during the interview, the general results and outcome of the interview were deemed to be favorable and Applicant has filed a Supplemental Amendment corresponding with the suggestions discussed during the telephone interview.

(h) The interview was not conducted by electronic mail.

Applicant respectfully submits that with the current version of the claims as filed on May 13, 2008, the application is believed to be in condition for allowance over all previously cited patents and the Kaufman patent and favorable action passing applicant's application to allowance is respectfully requested.

Respectfully submitted,

/Daniel S. Polley/
Daniel S. Polley, Reg. No. 34,902

CUSTOMER NO. 44538